

**State of Utah**  
**Administrative Rule Analysis**  
Revised May 2020

<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> New ____; Amendment <u>  X  </u> ; Repeal ____; Repeal and Reenact ____		
<b>Title No. - Rule No. - Section No.</b>		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-101-3</b>	<b>Filing No. (Office Use Only)</b>
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>	

**Agency Information**

<b>1. Department:</b>	Department of Environmental Quality	
<b>Agency:</b>	Division of Air Quality	
<b>Room no.:</b>		
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO BOX 144820	
<b>City, state, zip:</b>	Salt Lake City, UT 84116-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
Version of Code of Federal Regulations Incorporated by Reference.
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
This rule is updated to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations.
<b>4. Summary of the new rule or change:</b>
This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 1, 2019, to July 1, 2020.
A public hearing is set for Thursday, April 1, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Wednesday, March 31, 2020, at 10:00AM MST. The final status of the public hearing will be posted on Friday, May 1, 2021, after 10:00AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.
<a href="https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment">https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</a>

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.
<b>B) Local governments:</b>
This rule incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule incorporates already existing federal regulations. No additional costs or benefits affect small businesses after incorporation.

<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
This rule incorporates already existing federal regulations. No additional costs or benefits affect non-small businesses after incorporation.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
This rule incorporates already existing federal regulations. No additional costs or benefits affect persons other than small-businesses, non-small businesses, state, or local government-entities after incorporation.			
<b>F) Compliance costs for affected persons:</b>			
There are no new compliance costs as a result of incorporation.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
Kim Shelley, Interim Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Due to the nature of incorporating already existing federal regulations into state rules, no additional fiscal impacts on businesses will result from this amendment.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Kim Shelley, Interim Executive Director			

#### Citation Information

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Subsection 19-2-104(1)(a)		

#### Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

<b>8. A) This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; <i>if none, leave blank</i> ):	
	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	Code of Federal Regulations
<b>Publisher</b>	Office of Federal Register

<b>Date Issued</b>	07/01/2020
<b>Issue, or version</b>	Title 40

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

#### Public Notice Information

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until (mm/dd/yyyy):</b>		04/01/2021
<b>B) A public hearing (optional) will be held:</b>		
<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
04/01/2021	10:00 AM	meet.google.com/bba-xhvd-uwe or 1-617-675-4444 PIN 103 132 725 7941

**10. This rule change MAY become effective on (mm/dd/yyyy):** 06/03/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Agency Authorization Information

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Division Director	<b>Date (mm/dd/yyyy):</b>	01/19/2021
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**R307. Environmental Quality, Air Quality.**

**R307-101. General Requirements.**

**R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.**

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 2020[+9].

**KEY: air pollution, definitions**

**Date of Enactment or Last Substantive Amendment: June 4, 2020**

**Notice of Continuation: November 13, 2018**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**